IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:94-CR-54-BR

UNITED STATES OF AMERICA,)	
)	
v.)	ORDER
)	
CALVIN ANTONIO SPENCER)	

This matter is before the court on the government's motion to seal its supplemental response and attached exhibits because those documents "discuss and contain Defendant's sensitive medical information." (DE # 67, at 1.) The court notes that defendant's medical conditions have been repeatedly referenced in public filings throughout this proceeding. (See, e.g., Mot., DE # 37, at 2; 3/1/21 Order, DE # 49, at 3.) Accordingly, the sealing of government's supplemental response, which mentions those same conditions, is not warranted. Furthermore, Exhibit 1 to that supplemental response is defendant's Bureau of Prisons disciplinary record. It does not contain any of his medical information, and there is no reason that exhibit should be sealed. On the other hand, Exhibits 2 and 3 are defendant's medical records, and as such, they should be sealed.

For these reasons, the government's motion to seal is ALLOWED IN PART and DENIED IN PART. Exhibits 2 and 3 to the government's supplemental response shall remain under seal. If the government desires the court to consider its supplemental response and Exhibit

1, it shall file those documents publicly within three days. <u>See</u> Local Crim. Rule 55.2(b)(3). This 17 February 2022.

W. Earl Britt

Senior U.S. District Judge